

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DANIEL GARCIA,</b>	:	<b>CIVIL ACTION NO. 1:07-CV-1886</b>
<b>Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>(CONSOLIDATED)</b>
	:	
	:	<b>(Judge Conner)</b>
<b>DAWN CUMMINGS, et al.,</b>	:	
<b>Defendants</b>	:	
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<b>DAWN CUMMINGS, et al.,</b>	:	
<b>Consolidated Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>DANIEL GARCIA, et al.,</b>	:	
<b>Consolidated Defendants</b>	:	
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<b>DAWN CUMMINGS, et al.,</b>	:	
<b>Third-Party Plaintiff</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>ROGER'S TOWING, INC.</b>	:	
<b>Third-Party Defendant</b>	:	

**ORDER**

AND NOW, this 30th day of September, 2009, upon consideration of plaintiff's stipulation to dismiss (Doc. 54), wherein plaintiff requests that any and all claims he has brought in this action against defendant Dawn Cummings, administratrix of the estate of Walter Cummings, defendant Black Horse Carriers, and third-party defendant Roger's Towing be dismissed, it is hereby ORDERED that:

1. All claims brought by Daniel Garcia, as plaintiff, against Dawn Cummings, administratrix of the estate of Walter Cummings, as defendant, are DISMISSED.
2. All claims brought by Daniel Garcia, as plaintiff, against Black Horse Carriers, Inc., as defendant, are DISMISSED.
3. All claims brought by Daniel Garcia, as third-party plaintiff, against Roger's Towing, Inc., as third-party defendant, are DISMISSED.
4. The Clerk of Court is instructed to TERMINATE Daniel Garcia as a plaintiff and as a third-party plaintiff in the above-captioned matter. The Clerk of Court is further instructed to TERMINATE Dawn Cummings, administratrix of the estate of Walter Cummings, and Black Horse Carriers, Inc. as defendants. The Clerk of Court is further instructed to TERMINATE Roger's Towing, Inc., as third-party defendant, with respect to the claims brought against it by Daniel Garcia, as third-party plaintiff. However, any claims of the estate of Cummings, as consolidated plaintiff, against Daniel Garcia and Prime, Inc., as consolidated defendants, should not be dismissed. Further, any claims of the estate of Cummings, as third-party plaintiff, against Roger's Towing, Inc., as third-party defendant, shall not be dismissed.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge